what has been the general practice in the administration of criminal justice in Singapore since the war. In *Attorney-General* v. *Koh Cho Puan & Ors.*[1] the Attorney-General applied to try, in the High Court, a cheating case in which a bank was defrauded. It had involved complex questions of facts and law relating to shipping and banking. Voluminous documents needed analysis. Yet the late Mr. Justice Winslow in an unreported judgment refused the application of the Attorney-General. It is worth recalling what the learned Judge had said: "The power to order a transfer of a case to the High Court direct ... has very rarely been exercised and, in the only case in the post-war era in which it has been exercised, both the prosecution and the defence were agreed that the High Court should try it..." Those words fell from his Lordship's lips on July 11, 1966, which we respectfully record for posterity in view of the great learning of the late Mr. Justice Winslow who was intimately concerned with the administration of criminal justice in our land.

"[T]he only case" referred to by the late Winslow J. was *Fung Yin Ching & Ors.* v. *Public Prosecutor*[2] on which the present appellants sought to rely. In our judgment, the appellants can draw no support from that case at all, not only for the distinction which was highlighted by the late Winslow J., but because of other good reasons as well. It is beyond question that all accused persons must be treated equally regardless of status. We cannot accept the proposition that accused persons who are political personalities should be treated differently if they apply to transfer their trials to the High Court. Like every other accused person they have to satisfy the High Court and bring themselves within sub-section 184(1) of the Criminal Procedure Code. In this case, the appellants had failed to persuade the High Court to exercise its discretion. In point of fact, and we need to draw attention to it, the appellants had on November 17, 1983 unsuccessfully attempted to obtain an order to transfer the trials of the five charges to the High Court. Substantially the same grounds were relied upon. No appeal was brought in that case. Their present application to the High Court giving rise to this appeal was the second attempt to go over substantially the same grounds and was plainly an abuse of the processes of our courts.

We would accordingly dismiss the appeal.

Appeal dismissed.

Solicitors: *J. B. Jeyaretnam & Co.*

A *Appendix*

ATTORNEY-GENERAL v. KOH CHO PUAN & ORS.

[O.Cr.J. (Winslow J.) July 11, 1966]

B **[Singapore – Criminal Motion No. 10 of 1966]**

Criminal Law and Procedure – Transfer of case – Application for – Grounds for – Criminal Procedure Code (Cap. 132 Revised Laws 1955), ss. 176 & 177.

C In this case the Attorney-General applied for the transfer for trial to High Court on the ground that the law was complex, the trial likely to be lengthy, and the documentary exhibits voluminous.

Held: the power to order a transfer of case to the High Court direct without a preliminary enquiry has very rarely been exercised and in the only case in the post-war era in which it has been so exercised, both the prosecution and the defence were agreed that the High Court should try it – although there was disagreement between them about the right to a preliminary inquiry which the Court decided did not exist in the case of trial without jury. That case moreover proceeded on the common ground that a fair and impartial trial could not be had before the District Courts. This case did not.

E The provisions of sections 176 and 177 of the Criminal Procedure Code discussed.

CRIMINAL MOTION.

Winslow J. : The Attorney-General applies for F the transfer for trial to this Court of this case in which it is claimed the law is complex, the trial likely to be lengthy, and the documentary exhibits voluminous.

The application is strongly opposed by counsel G representing all the 4 accused persons concerned who claim that the case is within the competence of the District Courts and that it would be against the financial interests of the accused persons to have it so transferred. It is also stressed that all the charges involve the same transaction and that the H law is not complicated.

I am inclined to agree that, on the facts before me, this is the kind of case where the supreme needs of justice do not require that the ordinary course of justice should be altered. Its length alone I is not necessarily a decisive factor for a transfer to this Court and the mere fact that the case involves some knowledge of shipping and banking practice does not in my opinion render it beyond the competence of the Courts already entrusted by the legislature with the task of hearing trials of accused persons charged with cheating and allied offences.

The power to order a transfer of a case to the High Court direct, without a preliminary inquiry, has very rarely been exercised and, in the only case in the post-war era in which it has been so exercised, both the prosecution and the defence were agreed that the High Court should try it – although there was disagreement between them about the right to a preliminary inquiry which the Court decided did not exist in the case of a trial without jury. That case moreover proceeded on the common ground that a fair and impartial trial could not be had before the District Courts. This case does not.

The prosecution have power under section 177 to apply for the case to be sent for a preliminary inquiry with a view to committal to the High Court. Perhaps the Attorney-General would like to consider whether he wishes to exercise his powers under this section.

Another matter on which I feel obliged to comment is the fact that section 176 requires an application to be supported by an affidavit except where the applicant is the Attorney-General or the Solicitor-General. Without disrespect to the learned Senior State Counsel whose experience is wide and whose assurances from the Bar a Court would be slow to refuse to accept I think that section 176 contemplates an application by the Attorney-General or the Solicitor-General in person. Otherwise the section would have mentioned the Public Prosecutor or a Deputy Public Prosecutor.

I would accordingly make no order on this Motion.

Order accordingly.

LEE SOON BENG v. WEE TIAM SING

[C.A. (Wee Chong Jin C.J., Lai Kew Chai & Thean JJ.) July 29, 1986]

[Singapore – Civil Appeal No. 67 of 1985]

Damages – Award of interest on damages – Principles followed – Civil Law Act (Cap. 30), s. 9.

The main issue before the High Court was whether interest should be awarded on a sum of $30,000 which was the agreed sum as damages for pain and suffering and on a sum of $16,250 which was the agreed sum for special damages. Chua J. acknowledged the fact that the Court's power to award interest on damages was discretionary but the learned Judge refused to do so following Choor Singh J.'s decision in *Ban Pet Hock* v. *Ong Ah Ho*.(1) The appellant appealed against that decision.

Held, allowing the appeal: (1) the High Court failed to exercise its discretion judicially by failing to consider the facts and circumstances of the case and the principles which should be applied when considering whether or not interest should be awarded in personal injury cases;

(2) it is now generally accepted since *Jefford* v. *Gee*(2) that the principles that should be applied in awarding interest in personal injury cases are that interest should not be awarded as compensation for the damage done but should only be awarded to a plaintiff for being kept out of money which ought to have been paid to him, but was not;

(3) the judgment of the High Court should be varied so as to allow for interest on the special damages of $16,250 at 6% per annum from December 8, 1981 (the date when the Writ was issued) to the date of trial and on the general damages of $30,000 at 6% per annum from September 27, 1982 (the date when the defence was filed) to the date of trial.

[*Editorial Note*: The Court of Appeal in Singapore had, for the first time departed from its usual stand. Previously the Singapore courts had always followed the decision of Choor Singh J. in *Ban Pet Hock* v. *Ong Ah Ho*.(1)]

Cases referred to:

(1) *Ban Pet Hock* v. *Ong Ah Ho* [1966] 2 M.L.J. 253.
(2) *Jefford* v. *Gee* [1970] 1 All E.R. 1202.
(3) *London, Chatham and Dover Railway Co.* v. *South Eastern Railway* [1893] A.C. 429, 437.
(4) *Harbutts "Plasticine" Ltd.* v. *Wayne Tank and Pump Co. Ltd.* [1970] 2 W.L.R. 198, 212.

COURT OF APPEAL.

Karuppan Chettiar for the appellant.

M. Karthigesu (*Ms Anne Loke* with him) for the respondent.

Cur. Adv. Vult.

Wee Chong Jin C.J. (delivering the Judgment of the Court): This is an appeal against the judgment of Chua J. in an action by the appellant for damages for personal injuries caused by the negligence of the respondent in the driving, use and management of motor vehicle No. AU 203 J on September 17, 1979.

The respondent at the date of the trial admitted liability and on that admission a consent judgment for the appellant was granted by Chua J. in the sum of $65,000.00 and costs. As the parties could not agree on the question of interest, the learned judge was asked to decide whether interest should be awarded on a sum of $30,000 which was